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**Permanent Forum on Indigenous Issues**
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**Discussion on the special theme for the year: "Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples"**

**Human rights: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

## Information received from Governments

### Burkina Faso

*Summary*

This document contains the responses of the Ministry for the Promotion of Human Rights of the Government of Burkina Faso to the questionnaire sent to Member States concerning the recommendations of the Permanent Forum at its eighth session.

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1. Burkina Faso is a multicultural State in which about 60 ethnic groups with different religions, languages and cultures peacefully coexist. It shares borders with six other States and welcomes many communities from Africa and other regions of the world, who live harmoniously with the local population.

2. In this respect, Burkina Faso is a crossroads of migration and, owing to the legendary hospitality of its people, has always been a destination and transit country for the migrants from sub-Saharan Africa who live in or travel through its territory.

3. No ethnic group is subject to marginalization or discrimination at the political, economic, social or cultural level. In building the nation State, the Government is seeking to promote all cultures and ensure the balanced socio-economic development of all regions of the country, despite its meagre resources. Burkina Faso has also embarked on a process of full decentralization with the adoption of law No. 055-2004/AN of 21 December 2004 establishing the general code for territorial authorities in Burkina Faso. This decentralization recognizes the right of territorial authorities to manage themselves freely and handle their own affairs with a view to promoting grass-roots development and strengthening local governance. Each local community, without any distinction, is required to join this process.

4. Burkina Faso recognizes the presence of Tuareg and Fulani peoples in part of its territory. In accordance with its commitments under the international instruments that it has signed, it respects the spirit of the United Nations Declaration on the Rights of Indigenous Peoples, having voted in favour of the resolution by means of which the Declaration was adopted on 13 September 2007. As an African State, Burkina Faso fully subscribes to the Advisory Opinion of the African Commission on Human and Peoples' Rights on the said Declaration. It is for that reason that the Burkina Faso Government has legally authorized the existence of Tuareg and Fulani associations which, in the name of self-identification, claim to be defending the rights of the Tuareg or Fulani indigenous peoples in Burkina Faso. Similarly, the Government welcomed a mission to promote the rights of indigenous peoples, conducted by the African Commission on Human and Peoples' Rights in the region of Burkina Faso where the Fulani and Tuareg peoples are present.

5. It is, however, important to note that Burkina Faso has members of parliament and Government ministers of Tuareg and Fulani ethnicity. The Fula language is one of the three national languages most widely used in the media and for official speeches. Public primary education is free and compulsory for all children, without exception, up to the age of 16. In the specific case of nomad children, the Government is experimenting with shepherd schools, where teachers are deployed to follow the seasonal movements of nomadic populations. In the area of health, especially maternal and child health, training has been provided for Tuareg traditional birth attendants and a transport system using camels or carts has been introduced in order to try to reconcile modern medicine and good traditional health-care practices.

6. With full decentralization, responsibility for socio-economic and cultural development (education, health, culture, economic development projects, etc.) has been transferred to the municipalities. In this regard, article 9 of law No. 055-2004/AN of 21 December 2004 establishing the general code for territorial authorities in Burkina Faso provides that the territorial authority, which is the commune or region, may:

(a) Undertake any action to foster economic, social, cultural and environmental development and participate in land-use planning;

(b) Enter into contracts with any natural or legal persons, whether public or private, including the State, other territorial authorities and public institutions, or establish cooperative relationships with organizations outside Burkina Faso, with due respect for sovereignty and the national interest;

(c) Undertake, in the cases provided for by law, and within its scope of responsibility, cooperative actions leading to the conclusion of agreements with the territorial authorities of foreign countries, or with public or private international agencies working in the area of development;

(d) Establish or acquire institutions in the field of education, health, the environment or any other socio-economic or cultural field;

(e) Establish local public institutions to manage socio-economic or cultural activities;

(f) Acquire shares or bonds issued by companies whose purpose is to operate local services or national services open to the participation of territorial authorities.

7. Article 11 of the law provides that persons living in the jurisdiction of the territorial authority shall be entitled to information on the management of local affairs, while article 36 stipulates that when the State transfers responsibilities to a territorial authority, it must also transfer the means and resources required for the normal exercise of those responsibilities.

8. This means that each commune, each village and each ethnic community in Burkina Faso has been made responsible for its own socio-economic, political and cultural development, with due respect for national sovereignty and territorial integrity.

9. The implementation of law No. 055-2004/AN of 21 December 2004 establishing the general code for territorial authorities in Burkina Faso takes into account all the concerns raised in the recommendations of the Permanent Forum at its eighth session. Furthermore, Burkina Faso, convinced that the term indigenous populations or communities is not aimed at protecting the rights of a certain category of citizens over and above others, and does not create a hierarchy between national communities, but rather tries to guarantee the equal enjoyment of rights and freedoms, considers that the Tuareg and Fulani people living in its territory are full nationals of Burkina Faso and are not characterized by a state of subjugation, marginalization, dispossession, exclusion or discrimination as set out in the United Nations Declaration on the Rights of Indigenous Peoples or the Advisory Opinion of the African Commission on Human and Peoples' Rights. The difficulties associated with health care, education and the status of women and children are not specific to any ethnic group in Burkina Faso.

10. Nonetheless, Burkina Faso, concerned to ensure full respect for the rule of law and human rights, stands in solidarity with the struggle to promote and protect the human rights of indigenous peoples where they are present. In this regard, the issue of indigenous peoples and communities comes under the mandate of the Ministry for the Promotion of Human Rights. Within the context of capacity-building, the

Ministry officials who are responsible for the issue attend seminars and international meetings on indigenous affairs, subject to the availability of funding.